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**TITLE 231**  
**NEBRASKA ADMINISTRATIVE CODE**  
**CHAPTERS 1 - 12**

**NEBRASKA STATE BOARD**  
**OF**  
**LANDSCAPE ARCHITECTS**

**NEBRASKA ADMINISTRATIVE CODE**  
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**Chapter 1 - ADMINISTRATION**

**001 Rules and Regulations Governing the Examination and Registration of Professional Landscape Architects.** Under the authority of, and in compliance with, Sections 81-8, 184 through 81-8, 208, Nebraska R.R.S., the following rules and regulations are prescribed by the Nebraska State Board of Landscape Architects. Title 231: Nebraska Administrative Code, Chapters 1 through 12 effective October 20, 1997, is hereby repealed.

**002 Definitions.**

**002.01 Approved School.** The term "approved school" shall mean a school of landscape architecture or school of related studies approved by the Board.

**002.02 Board.** The term "Board" shall mean the Nebraska State Board of Landscape Architects, created by the Professional Landscape Architects Act, Sections 81-8, 184 through 81-8, 208, Nebraska R.R.S., for the purposes of examining the qualifications of applicants to become registered professional landscape architects and to administer the Professional Landscape Architect's Act.

**002.03 C.L.A.R.B.** The term "C.L.A.R.B." is an abbreviation for the Council of Landscape Architectural Registration Boards.

**002.04 Landscape Architect.** The term "Landscape Architect" is synonymous with "Registered Professional Landscape Architect", "Registered Landscape Architect" or "Professional Landscape Architect" and shall mean a person who is licensed by the Board on the basis of education, practical experience, and/or examination. This person is qualified and approved by the Board to use the title and practice landscape architecture in this state in compliance with Sections 81-8,184 through 81-8, 208, Nebraska R.R.S.

**002.05 Landscape Architecture.** The term "Landscape Architecture" shall mean professional services as defined in Section 81-8, 184 through 81-8, 208, Nebraska R.R.S.

**002.06 Practical Experience.** The terms "practical experience" and "training" are interchangeable and shall mean full time permanent employment in landscape architecture under the direction and supervision of an individual licensed to

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practice landscape architecture under the laws of the state, or country, in which the work is performed; or under a special supervisory program of at least one year, monitored by a registered professional landscape architect approved by the Board. No single period of employment under 6 months in duration with one employer will be considered, and all practical experience or training shall meet the Board's approval. The Board may use the C.L.A.R.B. Certification Standards as a guide for determining the adequacy of the practical experience or training.

**002.07 Practice.** The term “practice,” used in the context of these rules and regulations, shall mean the professional services of a landscape architect as defined in Section 81-8, 184.

**002.08 Record.** The term “record” shall mean record of evidence acceptable to the Board, required for consideration of the qualifications of an applicant for registration, and may consist of any documents or records, such as drawings, specifications, reports, photographs, diplomas, awards, certificates, contracts, letters, and certified statements, representing samples of work. Each item of record shall be clearly marked to insure positive and certain identification of the applicant. It shall be entirely the responsibility of the applicant to satisfy the Board as to the sufficiency and adequacy of the record of evidence.

**002.09 Registration, Certificate of.** The term “certificate of registration” shall mean a license issued by the Board to a landscape architect to engage in the practice of landscape architecture in accordance with Sections 81-8, 184 through 81-8, 208, Nebraska R.R.S.

**002.10 C.L.A.R.B. examination.** The term “C.L.A.R.B. examination” shall mean the examination provided by the Council of Landscape Architectural Registration Boards to evaluate the competency of landscape architects applying for registration.

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**Chapter 2 - APPLICANTS, CLASSES OF**

**001 Intent.** For convenience in processing applications for examination and registration, applicants will be classified according to the following:

**001.01 Class 1.** Landscape Architect Applicants. This class shall include each applicant who is a graduate of an approved landscape architectural curriculum, and has had an additional four years of practical experience. In lieu of graduation from an approved landscape architectural curriculum and the additional requirement of practical experience, there may be substituted evidence of at least eight years of practical experience which in the opinion of the Board has prepared the applicant for examination and registration, as defined in Sections 81-8, 184 and 81-8, 196, Nebraska R.R.S.

**001.02 Class 2.** Landscape Architect Applicants. This class shall include an individual who is currently registered in another state by written or oral examination administered by a State Registration Board of Landscape Architects, or by a grandfather clause, provided, however, the individual has the qualifications equivalent, to or higher than, the requirements of the provisions of Sections 81-8, 184 through 81-8, 208, Nebraska R.R.S., which extends the same privileges of reciprocity to landscape architects registered in Nebraska, and the person has actively practiced for at least one of the three years immediately preceding the application for registration by reciprocity. The Board reserves the right to check the individual applicant's character and integrity to prove to the satisfaction of the Board that the applicant is qualified to practice landscape architecture in the State of Nebraska.

Reciprocity privileges will be extended to an individual who has been certified by the Council of Landscape Architectural Registration Boards (C.L.A.R.B.) and meets all requirements of the Professional Landscape Architects Act of the State of Nebraska, Sections 81-8, 184 through 81-8, 208, Nebraska R.R.S.

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**Chapter 3 - APPLICATIONS; RULES, BOARD ACTION, AND APPEAL**

**001 Rules.** The following rules for all applications have been adopted to carry out the provisions of Section 81-8, 195, Nebraska R.R.S.

**001.01** Applications for registration and examination shall be on forms prescribed and furnished by the Board and shall contain information and statements made under oath showing the applicant's education and a detailed summary of the person's qualified record of practical experience.

**001.02** Applications to take the C.L.A.R.B. examination shall be completed and filed in the Board office one hundred and twenty (120) days prior to the announced examination dates.

**001.03** Applications for registration by reciprocity shall be filed with the Board office.

**001.04** Each applicant shall submit, with the formal application, authentic proof of the statements made therein, by attaching such documentary evidence, affidavits, registrar's statements, diplomas, published data, photographs, photo copies, or other sworn or proven evidence as, in the discretion of the Board, may be sufficient to show the Board that the applicant is clearly eligible under the section of the law upon which the application is based.

**001.05** The Board reserves the right to retain, as a permanent part of the application, all documents submitted, which shall be properly marked for identification and ownership. Photocopies of original documents may be submitted.

**001.06** An applicant will be notified, in writing, to appear before the Board, if required, at a time and place designated by the Board.

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**001.07** Failure to comply, within thirty (30) days from date of written request from the Board, for additional evidence or information, or to appear before the Board when such appearance is deemed necessary by the Board, may be considered as just and sufficient cause for disapproval of the application.

**001.08** In the consideration of applications for registration, the Board reserves the right to exercise discretion by requiring the applicant to qualify by passing the regular examinations, or any portion of the examination as, in the opinion of the Board, may be necessary to bring the applicant's record up to the existing requirements of the State of Nebraska.

**002 Board Action.**

**002.01** All Applications shall be considered individually by the Board and passed or rejected on a roll call vote.

**002.02** The action taken by the Board on each application shall be recorded.

**002.03** An outline of the action taken by the Board shall be placed with the application.

**002.04** The Board reserves the right to establish or change the classification under which the applicant is claiming eligibility.

**002.05** A Certificate of Registration shall be granted under only one classification.

**003 Appeal.** Unless otherwise provided by law, any appeal from the action of the Board shall be filed within thirty (30) days from the mailing date of the notice containing a copy of such decision. An applicant who has been found by the Board to be ineligible for registration may request, in writing, a hearing to review their application and findings of the Board. The hearing will be conducted before not less than four (4) voting members of the Board and any ruling by the Board on such appeal shall be concurred in by not less than four (4) voting members of the Board. Notice of time and place of such hearing shall be given to the applicant by registered mail at least ten (10) days prior to such hearing.

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**Chapter 4 - EXAMINATIONS FOR LANDSCAPE ARCHITECTS**

**001 Examinations.** Examinations will be given on dates and at a location designated by the Board.

**001.01** No one will be eligible for examination until the person has reached the age, and has the minimum education and experience requirements, as provided in Section 81-8, 196, Nebraska R.R.S.

**001.02** Each applicant for examination in Class 1 shall submit an official transcript of their collegiate educational record with the application.

**001.03** The examination will consist of the C.L.A.R.B. examination.

**002 Examination For Class of Applicant.**

**002.01 Class 1.** Each applicant in Class 1 shall take an examination approved by the Board. This examination may include such subject areas as legal and administrative aspects, inventory and analysis, design concepts, communication skills, design and construction development, grading and drainage, design implementation, construction methods and documents, plant materials and other subject areas, as determined by the Board, to test the minimum qualifications the Board deems necessary to protect the public life, health, and property as provided by Section 81-8, 184.01, Nebraska R.R.S.

Applicants will be notified of subject matter at least thirty (30) days prior to the examination date. In addition, the applicant's academic and practical experience will be appraised, and the applicant may be asked to appear before the Board.



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**002.02 Class 2.** Any applicant in Class 2 who has been registered in another state without passing an examination, or who has not been certified by C.L.A.R.B., may be required to successfully complete a written or oral examination, or may be required to submit a treatise to the Board relative to Nebraska construction conditions, micro environmental conditions, and plant materials applicability, as determined by, or as may be deemed necessary by, not less than four (4) voting Board members, to adequately evaluate the applicant's knowledge and ability.

**003 Examination, Passing Grade.** An applicant must have a passing grade for each exam section in accordance with the C.L.A.R.B. pass/fail standards at the time the examination was taken. The applicant will be notified in writing of the result of their examination.

**004 Examination, Failure and Re-examination.**

**004.01 Class 1.** An applicant who fails any section of the examination may apply for one re-examination at the next examination conducted by the Board. The Board will notify the applicant of the cost for C.L.A.R.B. examination(s) to be taken. This cost is to be remitted to the Board which in turn will submit payment to C.L.A.R.B. Applications for re-examination after a period of one year, or subsequent re-examinations, may be granted upon payment of the application fee for registration through examination. In addition, the applicant will be responsible for the cost of each section of the examination as set by C.L.A.R.B. The Board will notify the applicant of the cost for C.L.A.R.B. examination(s) to be taken. This cost is to be remitted to the Board which in turn will submit payment to C.L.A.R.B.

**005 Examination Deadlines.**

**005.01** If an applicant desires to take an examination, their complete application must be received in the Board's office one hundred and twenty (120) days prior to the announced dates of the examination fixed by the Board. This means a properly prepared application, including the applicant's photograph and an official transcript of collegiate record from each college or university the applicant has attended.

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**005.02** It is recommended that applicants for full registration as Landscape Architects, whose eligibility is based upon experience, have their application in the Board office one hundred and twenty (120) days prior to the announced dates of the examination fixed by the Board, in order to be reasonably sure of being eligible to receive an invitation to the examination.

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**Chapter 5 - CERTIFICATE OF REGISTRATION AND SEAL**

**001 Certificate of Registration**

**001.01** One Certificate of Registration shall be issued upon payment of the annual fee to a person, who by reason of education, practical experience, passing the C.L.A.R.B. examination, or of being registered in another state, has been approved by the Board to use the title of, and practice in the capacity of, a Registered Landscape Architect in Nebraska, as provided for in Section 81-8, 199.

**001.02** Any Certificate of Registration that has expired due to nonpayment of annual renewal fees shall not be displayed, and the delinquent registrant shall not use the designation or title of landscape architect and shall not practice landscape architecture; unless the lapsed registration is renewed, as provided for in Section 81-8, 200, Nebraska R.R.S., the certificate holder shall be restrained under permanent injunction, pursuant to Section 81-8, 204, Nebraska R.R.S.

**002 Registration Seal**

**002.01** For the purpose of stamping all plans, specifications and reports prepared by the registrant, the Board shall provide, for a fee, the required seal for each registrant as prescribed by the Professional Landscape Architects Act. This seal may be used in appropriate areas, and it is the responsibility of the registrant to insure that the imprint is clear and distinct. An imprint of the seal shall be required on the annual renewal form returned to the Board along with the annual fee each year.

**002.02** The application of the seal and original signature and date, or an electronic seal and original signature and date, to the first sheet of bound sets of plans (with index of drawings included), title page of specifications, and to other drawings and contract documents, shall constitute the official registered landscape architect seal.

**002.03** The seal and original signature and date, or an electronic seal and original signature and date, may be applied on all tracings to produce legible reproduction on all copies or prints made from said tracings. This provision does not in any manner modify the requirement of subsection 002.02.

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**Chapter 6 - CONTINUING EDUCATION REQUIREMENTS PROFESSIONAL DEVELOPMENT**

**001 Effective Date.** Beginning on January 1, 1986, as a condition for renewal of a Certificate of Registration, the certificate holder shall be required to successfully complete fifteen (15) hours of professional development within the preceding calendar year.

**002 Hours Required.** The continuing education requirements for renewal of a license are fifteen (15) contact hours of professional development for each year the license is active.

**003 Diversity.** Registrants are encouraged to obtain a diversity of continuing education experiences during the renewal period.

**004 Continuing Education - Structured Programs.** Only those continuing education hours earned during the renewal period at collegiate level institutions, or through professional level seminars, conferences, study tours and self-paced continuing education programs offered for the purpose of keeping the licensee apprised of advancements and new developments in the professional service areas, such as the following, will be acceptable:

**004.01** Consultations, investigation, research, planning, design, preparation of drawings, specifications, contract documents, reports, responsible construction observation or landscape management, in connection with the planning and development of land and incidental water areas where the primary purpose of the program is the preservation, conservation, enhancement or restoration of landscape systems, plant communities or aesthetic values, or the determination of proper land uses and land development.

**004.02** Professional personal development of leadership, creativity, communication and computer application skills as they relate to the practice of landscape architecture.

**004.03** Professional practice management including project management, quality assurance, supervision of technical staff and business ethics.

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**005 Continuing Education - Self Study Activities.** Registrants will be allowed to claim up to four (4) contact hours for self study activities during the renewal period. Self study activities may include reading professional journals, periodicals or professional oriented books and visits to sites for observation of landscape architectural projects, research projects, ecological or land restoration projects and natural environmental areas.

**006 Reporting.** A report and a signed affidavit of continuing education, completed by the registrant, shall be filed with the Board, on forms prescribed by the Board, setting forth the continuing education in which the person has participated, the sponsor of a program, and request for Board approval. Registrant reports of continuing education may, at the request of the Board, be selected for an audit. The report shall be filed with the annual renewal fee no later than December 31 of the calendar year in which the professional development requirement was completed.

**007 Documentation.** Registrants shall develop documentation for each continuing education program or activity claimed and retain this documentation for a two (2) year period. Copies of this documentation shall not be submitted to the Board unless the registrant is selected for audit.

**008 Peer Review Committee.** The Board shall appoint a Peer Review Committee to review the required continuing education documentation submitted by each registrant. The committee shall report to the Board its recommendations regarding registrant compliance with the continuing education requirements. The Peer Review Committee shall consist of three members, each member shall serve a three year term; except for those members first appointed, one member shall be appointed for one year, one for two years, and one for three years. The Board shall appoint their successors to a term of three years as each term expires.

**009 Failure To Comply.** The Board shall not renew the Certificate of Registration of any certificate holder who has failed to complete the professional development requirement, or failed to request in writing a waiver or exemption, unless the person can show good cause, as determined by the Board, why the registrant was unable to comply with such requirement as provided for in Section 81-8, 200, Nebraska R.R.S. If the Board determines good cause was shown, the Board shall permit the landscape architect to make up all outstanding required hours of professional development.

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**010 Board Denial.** If the Board disapproves the submitted continuing education report in whole or part, the registrant will be so notified and will be granted a period of time up to ninety (90) days by the Board to correct the deficiencies noted.

**011 Appeal.** In the event of a Board denial, in whole or in part of any completed continuing education report filed with the Board, the registrant shall have the right, within twenty (20) days after the date of the Board's notification of denial, to request in writing a hearing before the Board. The decision of the Board shall be final.

**012 Hearing.** In the event of denial or rejection, in whole or in part, of any credits for continuing education activities, the registrant shall have the right, within twenty (20) days after the date of the notification of the Board's denial or rejection, to request in writing a hearing before the Board, which shall be held within sixty (60) days after receipt of the request for such hearing. The decision of the Board shall be final.

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**Chapter 7 - FEES**

**001 Application and Examination Fees.** The Board has the authority to establish fees of not less than one hundred dollars (\$100.00), nor more than three hundred dollars (\$300.00), for application for registration, examination, reciprocal registration, certificate of registration, and renewal fees as provided for in Section 81-8, 194, Nebraska R.R.S.

**001.01** Fees shall be:

**001.01A** The application fee for Class 1 applicants for registration through examination is three hundred dollars (\$300.00). In addition, the applicant will be responsible for the cost of each section of the examination as determined by C.L.A.R.B. The Board will notify the applicant of the cost for C.L.A.R.B. examination(s) to be taken. This cost is to be remitted to the Board which in turn will submit payment to C.L.A.R.B.

**001.01B** The application fee for initial registration for Class 1 applicants who have already passed the C.L.A.R.B. examination is three hundred dollars (\$300.00).

**001.01C** The application fee for Class 2 applicants for reciprocal registration is two hundred dollars (\$200.00).

**001.01D** The fee for the Certificate of Registration for applicants approved for registration by the Board is one hundred seventy dollars (\$170.00).

**001.01E** The fee for annual renewal of the Certificate of Registration is one hundred seventy dollars (\$170.00).

**001.01F** The annual renewal fee after December 31 of a calendar year shall be increased by ten percent for each month, or fraction of a month, such payment is delayed; except that the maximum fee for delinquency shall not exceed twice the amount of the original renewal fee, but no renewals shall be made after a lapse of one year. Application for renewal of a lapsed registration shall be in the same manner as provided for an original application pursuant to Section 81-8, 196, Nebraska R.R.S.

**002 No Refunds.** All fees are non-refundable.

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**Chapter 8 - RULES OF PROFESSIONAL CONDUCT AND COMPETENCE**

**001 Preamble.** In order to establish and maintain a high standard of integrity, skills and practice in the technical profession, and to safeguard the life, health, and property of the public, the following rules of professional conduct, as provided in Section 81-8,191.01, Nebraska R.R.S., are promulgated and shall be binding upon every person holding a certificate of registration as a landscape architect and all other legal entities lawfully permitted to offer or perform professional landscape architectural services in Nebraska. As such, the Board is authorized to establish conduct, policy and practices in accordance with the legislation cited herein above. All landscape architects registered under the Nebraska law are charged with having knowledge of the existence of these rules of professional conduct. Each landscape architect shall be deemed to be familiar with these provisions and to understand them. Such knowledge shall encompass the understanding that the practice of landscape architecture is a privilege as opposed to a right. The landscape architect shall be forthright and candid in any statements or written response to the Board on matters pertaining to professional conduct.

**002 Rules of Professional Conduct.** The professional landscape architect shall, at all times, recognize the primary obligation to protect the life, health, and property of the public in the performance of the professional duties. If the professional landscape architect's judgment is overruled under circumstances where the life, health, and property of the public are endangered, the client or employer shall be informed of the possible consequences and the professional landscape architect shall notify such other proper authority of the situation as may be appropriate.

**002.01** The professional landscape architect shall undertake to perform assignments only when qualified by education and experience in the specific technical field of the profession involved.

**002.02** The professional landscape architect may accept an assignment requiring education or experience outside of the professional landscape architect's field of competence, but only to the extent that the services are restricted to those phases of the project in which the professional is qualified. All other phases of such project shall be performed by qualified associates, consultants or employees.

**002.03** The professional landscape architect shall not affix a personal signature and/or seal to any plan or document dealing with subject matter in which there is lack of competence by virtue of education or experience, nor to any such plan or



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document not prepared under the professional landscape architect's direct supervision and control.

**002.04** The professional landscape architect shall be completely objective and truthful in all professional reports, statements or testimony and shall include all relevant and pertinent information in such reports, statements or testimony.

**002.05** The professional landscape architect, when serving as an expert or technical witness before any court, commission or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the professional landscape architect's testimony.

**002.06** The professional landscape architect shall issue no statements, criticisms or arguments on matters connected with public policy which are inspired or paid for by an interested party or parties, unless such comments are prefaced by explicit personal identification, by disclosing the identities of the party or parties on whose behalf the professional landscape architect is speaking, and by revealing the existence of any pecuniary interest the professional landscape architect may have in the instant matters.

**002.07** The professional landscape architect shall not accept compensation, financial or otherwise, from more than one party for the services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.

**002.08** The professional landscape architect shall not solicit, or accept, financial or other valuable considerations from material or equipment suppliers for specifying their products.

**002.09** The professional landscape architect shall not solicit, or accept, gratuities, directly or indirectly, from contractors, their agents or other parties dealing with the professional landscape architect's client or employer in connection with work for which the professional landscape architect is responsible.

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**002.10** The professional landscape architect shall not solicit a contract from a public body on which a principal or officer of the professional landscape architect's organization serves as a member.

**002.11** The professional landscape architect shall not offer to pay, either directly or indirectly, any commission, political contribution, gift or other consideration in order to secure work, exclusive of securing positions through employment agencies.

**002.12** The professional landscape architect shall not falsify or permit misrepresentation of academic or professional qualifications. The professional landscape architect shall not misrepresent or exaggerate degrees of responsibility in, or for, the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or past accomplishments with the intent and purpose of enhancing the professional landscape architect's qualifications and work.

**002.13** The professional landscape architect shall not knowingly associate with, or permit the use of, a personal name or firm name in a business venture by any person or firm which the professional knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature.

**002.14** If the professional landscape architect has knowledge, or reason to believe, that another person or firm may be in violation of any of these provisions, the professional landscape architect shall present such information, or file a complaint, to the Board in writing and shall cooperate with the Board in furnishing such further information or assistance as may be required by the Board. All complaints filed with the Board shall be privileged and held confidential.

**002.15** Conviction of a felony without restoration of civil rights, or the revocation or suspension of a professional license by another jurisdiction, if for a cause which in the State of Nebraska would constitute a violation of Nebraska law or of these rules, shall be grounds for a charge of violation of these rules.

**003 Conflict of Interest.**

**003.01** A professional landscape architect shall avoid accepting a commission

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where duty to the client, or the public, would conflict with the personal interest of the professional landscape architect or the interest of another client. Prior to accepting such employment, the professional landscape architect shall disclose to a prospective client such facts as may give rise to a conflict of interest.

**003.02** A professional landscape architect shall not accept compensation for services relating or pertaining to the same project from more than one party, unless there is a unity of interest between or among the parties to the project, and unless the professional landscape architect makes full disclosure and obtains the express consent of all parties from whom compensation will be received.

**003.03** A professional landscape architect shall not, directly or indirectly, solicit or accept any compensation, gratuity or item of value from contractors, their agents or other persons dealing with the client or employer in connection with the work for which the professional landscape architect has been retained, without the knowledge and approval of the client or the employer.

**003.04** When in public service as a member, advisor or employee of a governmental body or department, the professional landscape architect shall absent himself or herself and not participate in discussions, considerations, actions, or decisions with respect to services provided by the individual that may cause financial benefit or detriment to the individual, their immediate family, or a business with which the individual is associated.

**004 Conflict of Interest, Board Members.** The provisions of Section 49-14, 101, Nebraska R.R.S. for public officials shall apply.

**004.01** No person shall offer or give to the following persons anything of value, including a gift, loan, contribution, reward or promise of future employment, based on an agreement that the vote, official action or judgment of any public official, public employee or candidate would be influenced thereby:

**004.01A** A public official, public employee or candidate;

**004.01B** A member of the immediate family of an individual listed in subdivision 004.01A of this subsection; or

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**004.01C** A business with which an individual listed under subdivision 004.01A or 004.01B or of this subsection is associated.

**004.02** No person listed in subsection 004.01 of this section shall solicit or accept anything of value, including a gift, loan, contribution, reward or promise of future employment based on agreement that the vote, official action or judgment of the public official, public employee or candidate would be influenced thereby.

**004.03** No public official or public employee shall use that person's public office, or any confidential information received through the holding of a public office, to cause financial benefit or detriment, other than compensation provided by law to an individual, their immediate family, or a business with which the individual is associated.

**004.04** No public official or public employee shall use personnel, resources, property or funds under that individual's official care and control, other than in accordance with prescribed constitutional, statutory and regulatory procedures, or use such items, other than compensation provided by law, for personal financial gain.

**004.05** Any person violating the provisions of this section shall be guilty of a Class III misdemeanor, as provided in Chapter 28, Crimes and Punishments, Nebraska R.R.S..

**004.06** A Board member shall not permit their name to be used as a reference for an applicant seeking to be registered as a professional landscape architect in the State of Nebraska.

**004.07** A Board member shall not participate in the evaluation or grading of any section of an examination, nor in the approval of any applicant seeking a registration certificate, whenever such applicant is a business associate, co-worker, employee or relative.

**005 Competence of Professional Practice.**

**005.01** In practicing landscape architecture, the landscape architect shall act with reasonable care and competence, and shall apply the technical knowledge

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and skill which is ordinarily accepted and applied by landscape architects of good standing, practicing in the same locality.

**005.02** In designing a project, the landscape architect shall take into account the applicable state and municipal zoning, building or development laws and regulations. While the landscape architect may rely on the advice of other professionals (e.g., attorneys, engineers, architects or landscape architects and other qualified persons) as to the intent and meaning of such regulations, once having obtained such advice, the landscape architect shall not knowingly design a project in violation of such laws and regulations.

**005.03** The landscape architect shall undertake to perform professional services only when the landscape architect, together with those whom the landscape architect may engage as consultants, that are qualified by education, training, experience, or registration in the specific technical areas involved.

**005.04** No person shall be permitted to practice landscape architecture if, in the Board's judgment, such person's professional competence is substantially impaired by physical or mental disabilities.

**005.05** Any applicant or landscape architect convicted of a felony, or other criminal offense, under state law, federal law or the law of another jurisdiction, and which if committed in this state would have constituted a felony under the state law, may be held in violation of the Code of Practice promulgated by the State Board of Landscape Architects if, in the opinion of the Board, the events and circumstances leading to the conviction indicate a condition which would affect the competency of the registrant to serve the life, health, and property of the public.

**005.06** In the event a question arises as to the competence of a professional landscape architect to perform an assignment in a specific technical field, which cannot be otherwise resolved to the Board's satisfaction, the Board, either upon request or by its own volition, may require the professional landscape architect to submit to an appropriate examination as determined by the Board.

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**Chapter 9 - PROBABLE CAUSE FOR VIOLATIONS, PROHIBITIONS, PENALTIES**

**001 Probable Cause Determination.** The Board shall be responsible for making the determination as to whether probable cause exists to believe that a violation of the provisions of Section 81-8, 184 through 81-8, 208, Nebraska R.R.S. or of these Rules and Regulations of the Board has occurred.

**002 Prohibitions.** No person shall knowingly:

**002.01** Practice landscape architecture unless the person is a holder of a valid license issued pursuant to this act;

**002.02** Use the name or title "landscape architect", "landscape architecture" or "landscape architectural" or words to that effect, or advertise any title or description tending to convey the impression that he or she is a landscape architect, when he or she is not then the holder of a certificate of registration issued pursuant to this act;

**002.03** Present as their own the certificate of registration of another;

**002.04** Give false or forged evidence to the Board, or a member thereof, for the purpose of obtaining a certificate of registration;

**002.05** Use or attempt to use a landscape architect certificate of registration which has been suspended, revoked, or placed on inactive status;

**002.06** Employ unregistered persons to practice landscape architecture except as defined in Section 81-8, 206, Nebraska R.R.S.;

**002.07** Aid and abet an unauthorized person in the practice of landscape architecture, or by sealing the plans, specifications, or documents prepared by others not under the direction and supervision of the landscape architect; or

**002.08** Conceal information relative to violations of Sections 81-8, 184 through 81-8, 208, Nebraska R.R.S. or these Rules and Regulations of the Board.

**002.09** Allow or be a party to transgressions or infringements of the Rules of Professional Conduct and Competence as provided in Chapter 8.

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**002.10** Any person violating these prohibitions may be guilty of a Class III misdemeanor in accordance with Section 81-8, 205 of the Nebraska R.R.S.

**003 Cause for Disciplinary Proceedings.** The following acts shall constitute grounds for which disciplinary actions, as provided hereafter in Section 004, may be taken:

**003.01** Having a license to practice landscape architecture revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country;

**003.02** Being convicted or found guilty, regardless of adjudication, of a misdemeanor or felony in any jurisdiction which directly relates to the practice of landscape architecture or the ability to practice landscape architecture;

**003.03** Making or filing a report or record which the landscape architect knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those which are signed in the capacity of a registered landscape architect.

**003.04** Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content;

**003.05** Upon proof that the landscape architect is guilty of fraud or deceit, or of negligence, incompetence, or misconduct, in the practice of landscape architecture;

**003.06** Practicing on a revoked, suspended, or invalid certificate or registration;

**003.07** Upon proof that the holder of a certificate or permit has aided or abetted in the practice of landscape architecture by any person not authorized to practice landscape architecture;

**003.08** Attempting to procure a certificate of registration to practice landscape architecture by bribery or fraudulent misrepresentation;

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**003.09** Aiding, assisting, procuring, or advising any unregistered person to practice landscape architecture contrary to Section 81-8, 184 through 81-8, 208, Nebraska R.R.S., or to any rule of the Board.

**004 Probable Board Disciplinary Actions.** When and if the Board, after due process covered in Chapter 10, finds that any registered landscape architect has engaged in any improper conduct of any of the grounds set forth in Section 003, it may enter an order imposing one or more of the following penalties, and as provided for in Section 81-8, 205, Nebraska R.R.S.:

**004.01** Denial of an application for registration.

**004.02** Revocation or suspension of a certificate of registration.

**004.03** Issuance of a reprimand.

**004.04** Placement of the registered landscape architect on probation for a period of time and subject to such conditions as the Board may specify, including requiring the registered landscape architect to attend continuing education courses or to work under the supervision of another registered landscape architect.

**004.05** Restriction of the authorized scope of practice by the registered landscape architect.

**005 Reissuance of Certificate.** The Board shall reissue the certificate of registration of a disciplined registered landscape architect upon certification by the Board that he has complied with all of the terms and conditions set forth in the final order.



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**Chapter 10 - PROCEDURE - CONTESTED CASES**

**001 Contested Cases.** The term "contested case" shall mean any case arising by virtue of charge or complaint filed under Section 81-8, 202, and shall include any case arising by order of the Board on its own motion to show cause why disciplinary action under such section should not be invoked. All complaints filed by persons other than the Board shall also be considered as orders to show cause issued by the Board. All cases involving applicants found ineligible for registration, covered under Chapter 3, may be considered by the procedures covered in this Chapter.

**002 Setting of Hearings.** The time and place of any hearing before the Board will be set as directed by the Board and in accordance with any requirements of law. Notice of such hearing shall be given to all known interested parties by mailing a copy of such notice to the interested party at their last known address at least fourteen (14) days prior thereto.

**003 Pleadings.** Any complaint, responsive or rebuttal pleading shall be headed: "BEFORE THE NEBRASKA STATE BOARD OF LANDSCAPE ARCHITECTS," shall contain a heading specifying the nature of the pleading, and the name and address of the complainant, if any. Any responsive pleading shall be filed within thirty (30) days from the date of service of the complaint, or order, to show cause, provided that failure to file such a responsive pleading will be considered a general denial. All pleadings shall be filed with the Board at its official office.

**003.01** An original and six (6) copies, plus one additional copy for each person charged by a complaint, shall be filed with the Board. In any contested case the Board will cause a copy of such charges to be served on each person accused, either personally or by certified mail, return card requested, together with a notice of the time and place of the hearing within the time prescribed by law. Responsive or rebuttal pleadings filed shall contain a certificate of mailing, postage prepaid, of a copy thereof to all interested parties.

**004 Continuances.** A continuance of any hearing may be granted, at the discretion of the Board, upon application of any interested party for good cause shown. The Board may continue any matter on its own motion. Fourteen (14) days notice of the reset hearing shall be given in the manner prescribed for the original hearing, unless waived by all interested parties. The Board Chairman is designated to rule on all pre-hearing motions, in the Chairman's absence then the Vice-Chairman is designated to rule on all pre-hearing motions.

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**005 Consolidation.** The Board may order two or more proceedings, which are legally or factually related, to be heard and considered together.

**006 Conduct of Hearings.** Hearings will be conducted before not less than four (4) members of the Board, but any ruling of the Board with respect to such matter shall be concurred on by at least four (4) members of the Board. Where the case involves a charge filed by a complainant other than the Board, the complainant shall first present their evidence and then the respondent may present their evidence. If the case is filed by the Board on its own motion requiring the respondent to show cause, the attorney representing the Board shall offer, for the record, the evidence giving rise to the case and then the respondent may present their evidence. Rebuttal and surrebuttal shall be permitted. The Board shall rule on motions and objections and may interrogate any witnesses.

**007 Appearances.** Any individual may appear on their own behalf before the Board. An individual may appear on behalf of another in any proceeding before the Board only if:

- (a) the individual is admitted to practice law before the Nebraska Supreme Court, or
- (b) the individual is admitted to practice law before the Supreme Court of any State and is accompanied by a person admitted to practice law before the Nebraska Supreme Court.

**008 Briefs.** Submission of briefs may be required by the Board. If required, the time in which briefs shall be filed, and the number of copies to be filed, shall be fixed by the Board.

**009 Oral Argument.** Oral argument at the commencement or close of a hearing may be permitted by the Board at its discretion.

**010 Copy of Record.** A transcript of the record of any hearing will be furnished any interested party upon the payment by such interested party for the costs of its preparation. If transcribed testimony at any hearing is desired by any interested party it shall be incumbent upon such interested party to make their own arrangements for a copy with a reporter. A copy of any such testimony prepared for the use of the Board may be loaned, at the discretion of the Board, for such a period of time as it shall fix.

**011 Evidence and Witnesses.** Proceedings with respect to evidence at hearings and related matters are governed by Chapter 84, Article 9, Nebraska R.R.S. Unless a request, in writing, is received by the Board at least three (3) days prior to the scheduled hearing

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date that the Board be bound by the rules of evidence applicable in district court in any formal hearing before it, as provided by Section 84-914, such Board shall not be bound by the rules of evidence. The party requesting the rules of evidence shall be responsible for all costs associated with the rules of evidence, including the cost of a court reporter arranged for by the board. Any witness who appears under subpoena of the Board is entitled to the same fee as is paid for like service in the District Courts of Nebraska. A subpoena requiring the attendance of a witness will be issued by the Board on written application of any interested party, provided that such interested party must deposit with the praecipe for subpoena cash or a certified check, payable to the order of the witness, and equal in amount to the fee for one day's attendance at the hearing, plus, if the witness resides outside of the corporate limits of the place of the hearing, compensation for travel expenses including travel, food, and lodging. Said fee shall be paid unless the witness, following their appearance in compliance with the subpoena, unless otherwise directed by the Board for good cause shown.

**012 Disposition.** The Board will notify, by mail, each of the parties in a contested case of the disposition of the case at the time the same is filed. The disposition will be in conformity with Section 84-915.

**013 Final Decision; Appeal; District Court.** Any person aggrieved by a final decision in a contested case is entitled to judicial review under Section 84-917 to 84-919, Nebraska R.R.S.

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**Chapter 11 - PROMULGATION, AMENDMENT, OR REPEAL OF RULES.**

**001 Party.** A party instituting a promulgation, amendment, or repeal of rules proceeding is a petitioner. Any interested person may intervene in any promulgation, amendment, or repeal of rules proceeding without any prior notice of filing if such intervention will not unduly delay the proceedings.

**002 Petition - Form.** A petition for the promulgation, amendment, or repeal of any rule, subject to the authority or jurisdiction of the Board, may be filed by any interested person. Such a petition shall show the venue, "BEFORE THE NEBRASKA STATE BOARD OF LANDSCAPE ARCHITECTS," shall be entitled, "In the Matter of" (specifying the name and address of the petitioner and the subject matter), shall state the precise wording of the proposed rule or amendment, or the present rule to be repealed, plus, in ordinary and concise language, without repetition, the reasons for such promulgation, amendment, or repeal, shall be subscribed by the petitioner, or by a duly authorized officer of the petitioner, if it be a corporation, or for the petitioner by their attorney, licensed to practice in the State of Nebraska, in which case the attorney shall also state their own address, and shall request a hearing if one is desired.

**003 Submission.** Each petition for the promulgation, amendment, or repeal of rules must be accompanied by the original and six (6) copies, which shall be filed with the Board.

**004 Consideration.** The Board, at its discretion, shall determine whether a formal hearing on such petition would assist it. If it is so determined, it will set the matter for hearing and give notice to the petitioner, and such other parties as it deems desirable, by mail. The Board may, at its discretion, notify the petitioner by mail that such petition will be considered as submitted by the Board and no hearing will be held.

**005 Disposition.** Disposition will be noticed as in Chapter 10, Section 12. At the time and place set for hearing, if any, the Board shall then and there afford the petitioner, and any intervenor, a reasonable time to discuss the petition.

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**Chapter 12 - DECLARATORY RULINGS**

**001 Adoption of Chapter 11.** The provisions of Chapter 11 shall be applicable to petitions for declaratory rulings.

**002 Discretion of Board.** The Board shall have complete discretion as to whether a declaratory ruling will be issued. If a declaratory ruling is issued, if issued after argument at a hearing and stated to be binding, the same is binding between the Board and the petitioner on the state of facts alleged, unless it is altered or set aside by a court.